UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,706	01/12/2004	Yasunori Koda	118296	9069

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER
SHANKAR, VIJAY

ART UNIT	PAPER NUMBER
2629	

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07/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/754,706	KODA ET AL.
	Examiner	Art Unit	
	VIJAY SHANKAR	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 April 2007*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,5,8,10,12,14,15 and 17-23* is/are rejected.

7) ☒ Claim(s) *2-4,6-7,9,11,13,16* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Priority

1.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3 .   Claims 1, 5,8,10,12,14-15, 17-23 are rejected under 35 U.S.C. 102(e) as being

anticipated by Yoshikawa (US 5,319,387).

        Regarding Claims 1 and 23, Yoshikawa teaches an instruction inputting

device comprising: an input component which inputs positional information of a light-

emitting component, which is measured on the basis of light-reception conditions of light

emitted from the light-emitting component, being mountable on a user (Figs.5-6,8;

Column 6, line 10- Col.8, line 58); a detection component which, on the basis of the

input positional information, detects a physical quantity of speed in accordance with

movement of the light-emitting component (Figs.5-6,8; Column 6, line 10- Col.8, line 58;

Col.9, line 1- Col.12, line 42); a decision making component which, on the basis of the

physical quantity of the detected speed, decides whether or not the movement of the

light-emitting component corresponds to pre-specified movement; and an instruction

component which, if it is decided that the movement of the light-emitting component

corresponds to the pre-specified movement, issues a command to execute a process

associated with the pre-specified movement. (Figs.1-15; Column 6, line 10- Col.8, line

58; Col.9, line 1- Col.12, line 42).

Regarding Claims 5,8,10, Yoshikawa teaches the instruction inputting

device wherein the physical quantity of speed comprises at least one of acceleration

and velocity according to the movement of the light-emitting component, wherein the

pre-specified movement comprises movement which reciprocates once or twice in a

predetermined direction. (Col.9, line 1- Col.12, line 42).

Regarding Claim 12, Yoshikawa teaches an the instruction inputting

device wherein the pre-specified movement comprises movement which moves in a

predetermined direction and, after moving in the predetermined direction, further moves

in at least one of the predetermined directions, a direction perpendicular to the

predetermined direction and a direction between these aforementioned two directions.

(Col.9, line 1- Col.12, line 42).

Regarding Claims 14-15, Yoshikawa teaches an the instruction inputting-device wherein the pre-specified movement comprises movement which moves in a direction opposite to a predetermined direction, the pre-specified movement comprises a state of being quiescent. (Col.9, line 1- Col.12, line 42).

Regarding Claim 17, Yoshikawa teaches an the instruction inputting device further comprising a calculation component which calculates duration relating to the movement of the light-emitting component, wherein the decision making component decides whether or not the movement of the light-emitting component corresponds to the pre-specified movement on the basis of the detected physical quantity of being speed and the calculated duration. (Column 6, line 10- Col.8, line 58; Col.9, line 1- Col.12, line 42).

Regarding Claim 18, Yoshikawa teaches an the instruction inputting device wherein, when the decision making component decides whether or not the movement of the light-emitting component corresponds to the pre-specified movement, the decision making component applies a tolerance to at least one of the movement of the light-emitting component and the pre-specified movement. (Figs.5-6,8; Column 6, line 10- Col.8, line 58; Col.9, line 1- Col.12, line 42).

Regarding Claims 19-22, Yoshikawa teaches an the instruction inputting device wherein the display control component controls so as to alter a display condition of the designation information in accordance with the detected physical quantity of speed; wherein the display control component controls so as to alter at least one of shape, size and color of the designation information in accordance with the detected physical quantity of speed, the display control component controls so as to alter a size of target information that is displayed within a predetermined distance from the position of the designation information, a sound generation component for generating sound; and a sound output control component which controls the sound generation component so as to alter a sound generation condition in accordance with the detected physical quantity of speed. (Figs.5-6,8; Column 6, line 10- Col.8, line 58; Col.9, line 1- Col.12, line 42).

Allowable Subject Matter

4.   Claims 2-4, 6-7, 9, 11, 13, 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5.   The following is an examiner's statement of reasons for allowance: The prior arts

fails to teach the instruction inputting device comprising a storage component which

stores movement information representing a plurality of distinctively pre-specified

movement, wherein the decision making component includes: a selection component

which selects information of at least one movement that corresponds to the movement

of the light-emitting component from the stored information of the plurality of movement;

and a verification component which verifies whether or not the movement of the light-

emitting component corresponds to movement represented by the movement

information that has been selected by the selection component as claimed in

Claims 2-4.

6.   The prior arts fails to teach the instruction inputting device comprising: a display

component which displays information of a target for which execution of processing is to

be instructed and designation information for designating the target information; and a

display control component which controls the display component such that a position of

the designation information changes in accordance with a change of the input positional

information, wherein, if it is decided that the movement of the light-emitting component

corresponds to the pre-specified movement, the display component instructs an

execution of the processing that is associated with the pre-specified movement for the

target information that is designated by the designation information as claimed in

Claims 6-7.

7.   The prior arts fails to teach the instruction inputting device wherein the pre-

specified movement includes the movement which reciprocates once in a

predetermined direction, within predetermined duration, the instruction inputting device

further includes a calculation component which calculates duration relating to the

movement of the light-emitting component, and the decision making component decides

whether or not the movement of the light-emitting component is the pre-specified

movement on the basis of the detected physical quantity of speed and the duration

calculated by the calculation component as claimed in Claim 9.

8.   The prior arts fails to teach the instruction inputting device wherein the pre-

specified movement includes the movement which reciprocates twice in a

predetermined direction, within predetermined duration, the instruction inputting device

further includes a calculation component which calculates duration relating to the

movement of the light-emitting component, and the decision making component decides

whether or not the movement of the light-emitting component is the pre-specified

movement on the basis of the detected physical quantity of speed and the duration

calculated by the calculation component as claimed in Claim 11.

9.   The prior arts fails to teach the instruction inputting device wherein the pre-specified movement includes the movement which moves in a predetermined direction and, after moving in the predetermined direction, further, after predetermined duration has passed, moves in the at least one of the predetermined directions, a direction perpendicular to the predetermined direction and the direction between these aforementioned two directions, the instruction inputting device further includes a calculation component which calculates duration relating to the movement of the light-emitting component, and the decision making component decides whether or not the movement of the light-emitting component is the pre-specified movement on the basis of the detected physical quantity of speed and the duration calculated by the calculation component as claimed in Claim 13. /
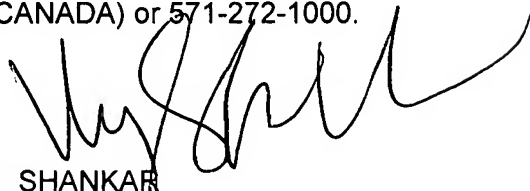
10.   The prior arts fails to teach the instruction inputting device wherein the pre-specified movement includes the state of being quiescent, for predetermined duration, the instruction inputting device further includes a calculation component which calculates duration relating to the movement of the light-emitting component, and the decision making component decides whether or not the movement of the light-emitting component includes the state of being quiescent for the predetermined duration on the basis of the detected physical quantity of speed and the duration calculated by the calculation component as claimed in Claim 16.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is (571) 272-7682. The examiner can normally be reached on M-F 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VIJAY SHANKAR
Primary Examiner
Art Unit 2629

VS